

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eric C. Erike

Serial No.: 10/726,961

Group No.:1742

Filed: December 3, 2003

Examiner: Tima Michele McGuthry Banks

For: **METHOD OF PRODUCING A COLD TEMPERATURE HIGH
TOUGHNESS STRUCTURAL STEEL TUBING**

☐ *Patent No.: Issue Date:
*NOTE: Preferably also insert inventor's name and invention title.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. 1.321(c))**

Identification of Person(s) Making This Disclaimer

I, Richard A. Sutkus

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

- ☐ an inventor of this invention.
☐ an assignee of this invention.

WARNING: "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.

- ☐ a representative authorized to sign on behalf of the assignee identified below.
☐ a statement under 37 C.F.R. 3.73(b) is attached.

WARNING: See the above "WARNING".

☒ the attorney of record for this invention.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

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☒ deposited via the Electronic Filing System ☐ transmitted by facsimile to the
(EFS) on: Patent and Trademark Office
/Janet A. Sherrill/
Signature

Date: January 21, 2010

Janet A. Sherrill
(type or print name of person certifying)

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT

(if applicable)

The assignee is

Name of assignee Sumitomo Metal Industries Ltd.

Address of assignee 5-33, Kitahama 4-Chome, Chuo-ku, Osaka 541-0041, JAPAN

Title of disclaimer authorized to sign on behalf of assignee _____

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimer owns is in:

- ☐ the whole of this invention.
- ☒ a sectional interest in this invention, as follows:
(state the exact interest of the disclaimer)
Joint ownership

RECORDAL OF ASSIGNMENT IN PTO

(if applicable)

- ☒ The assignment was recorded on August 28, 2006
Reel 018279
Frame 0296
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

(if applicable)

- ☐ Attached is a STATEMENT UNDER 37 C.F.R. 3.73(b) establishing the right of the assignee to take action in this case.

NOTE: Insert the appropriate page 3.

DISCLAIMER
(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner(s) hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent No. 6,386,583, as presently shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: 6,386,583, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE STATUS (37 C.F.R. 1.20(d))

- ☒ Other than a small entity—fee \$140.00
- ☐ Small entity—fee \$70.00.
- ☐ Small entity statement is attached.
- ☐ Small entity statement was already filed
- ☐ in patent application _____
- ☐ on _____
- Date

FEE PAYMENT

- ☐ Attached is a check in the sum of \$ _____
☒ Charge Deposit Account 20-0090 for any fee deficiency.
- ☐ Charge Deposit Account _____ the sum of \$ _____ .
A duplicate of this disclaimer is attached.
- ☒ Via Credit Card

Date: January 21, 2010

Signature of disclaimant

/Richard A. Sutkus/

SIGNATURE OF PRACTITIONER OF RECORD

Reg. No.: 43,941

Richard A. Sutkus
(type or print name of attorney)

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